

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JACK FERM,
Plaintiff,
vs.
COLLEEN MCCARTY, et al.,
Defendants.)
Case No.: 2:12-cv-00782-GMN-PAL
)
ORDER ACCEPTING REPORT &
RECOMMENDATIONS OF MAGISTRATE
JUDGE PEGGY A. LEEN
)
(ECF Nos. 109, 112, 113, 114, 115, 116 and 118)
)

Before the Court for consideration are the Reports and Recommendations (ECF Nos. 109, 112, 113, 114, 115, 116 and 118) of the Honorable Peggy A. Leen, United States Magistrate Judge, entered January 28, 2013 (ECF No. 109), January 29, 2013 (ECF Nos. 112, 113, 114, 115 and 116), and January 31, 2013 (ECF No. 118). No objections have been filed to any of the Reports and Recommendations. The Court has reviewed the pleadings on file herein, and hereby determines that Magistrate Judge Leen's Recommendations with regard to ECF Nos. 109, 112, 113, 114, 115, 116 and 118 should be **ACCEPTED**.

IT IS THEREFORE ORDERED that ECF Nos. 109, 112, 113, 114, 115, 116 and 118, are **ACCEPTED** in their entirety, and the same are hereby **ORDERED**, as follows:

ECF No. 109 (Mtn to Dismiss – Dkt. #10) –

1. Defendants' Motion to Dismiss (ECF No. 10) is **GRANTED in part consistent with**
the body of Judge Leen's Order and the Report and Recommendation (ECF No. 109).

2. Plaintiff's First Amended Complaint (ECF No. 5) is **DISMISSED** with leave to amend.

3. Plaintiff is granted leave to file a **Second Amended Complaint** that complies with Rule 8 of the Federal Rules of Civil Procedure **no later than February 28, 2013**, if he believes

1 he can correct the noted deficiencies.

2 4. Plaintiff is advised that the Second Amended Complaint must be a complete
3 document in and of itself, and will supersede the original Complaint (ECF No. 1) in its entirety.
4 Any allegations, parties, or requests for relief from prior papers that are not carried forward in the
5 First Amended Complaint will no longer be before the Court.

6 5. Plaintiff is required to clearly title the Second Amended Complaint as such by
7 placing the words “SECOND Amended Complaint” on page 1 in the caption, and Plaintiff is
8 required to place the case number, **2:12-cv-00782-GMN-PAL** above the words “SECOND
9 AMENDED” in the space for “Case No.”

10 6. Plaintiff is expressly cautioned that if he does not timely file a Second Amended
11 Complaint in compliance with this Order, this case will be immediately dismissed.

12 **ECF No. 112 (Mtn for Preliminary Injunction – Dkt. #22)** –

13 Plaintiff’s Motion for Preliminary Injunction (ECF No. 22) is hereby **DENIED**.

14 **ECF No. 113 (Mtn for Default Judgment – Dkt. #54)** –

15 Plaintiff’s Motion for Default Judgment (ECF No. 54) is **DENIED**.

16 **ECF No. 114 (Mtn for Summary Judgment – Dkt. #16)** –

17 Plaintiff’s Motion for Partial Summary Judgment (ECF No. 16) is **DENIED, without
18 prejudice**.

19 **ECF No. 115 (Mtn for Summary Judgment – Dkt. #23)** –

20 Plaintiff’s Motion for Partial Summary Judgment (ECF No. 23) is **DENIED, without
21 prejudice**.

22 **ECF No. 116 (Mtn for Summary Judgment – Dkt. #31)** –

23 Plaintiff’s Motion for Partial Summary Judgment (ECF No. 31) is **DENIED, without
24 prejudice**.

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ECF No. 118 (Mtn to Amend Complaint – Dkt. #61) –

Plaintiff's Motion to Amend Complaint (ECF No. 61) is **DENIED**.

DATED this 20th day of February, 2013.

Gloria M. Navarro
United States District Judge